



## Senate

General Assembly

**File No. 424**

*January Session, 2013*

Senate Bill No. 1113

*Senate, April 9, 2013*

The Committee on Planning and Development reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### ***AN ACT ELIMINATING CERTAIN MUNICIPAL MANDATES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 51-164n of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (b) Notwithstanding any provision of the general statutes, any  
5 person who is alleged to have committed (1) a violation under the  
6 provisions of section 1-9, [1-10, 1-11,] 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83,  
7 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
8 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
9 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
10 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
11 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
12 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
13 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
14 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,

15 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
16 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
17 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
18 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
19 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
20 14-153 or 14-163b, a first violation as specified in subsection (f) of  
21 section 14-164i, section 14-219 as specified in subsection (e) of said  
22 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
23 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
24 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
25 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-  
26 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
27 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,  
28 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or  
29 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
30 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-  
31 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or  
32 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-  
33 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
34 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
35 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-  
36 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, [21-30,] 21-38, 21-39,  
37 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,  
38 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,  
39 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-  
40 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section  
41 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,  
42 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,  
43 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-  
44 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-  
45 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-  
46 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,  
47 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
48 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-  
49 381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or

50 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,  
51 subsection (a) of section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31,  
52 26-40, 26-40a, 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1)  
53 of subsection (d) of section 26-61, section 26-64, subdivision (1) of  
54 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-  
55 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,  
56 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-  
57 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,  
58 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,  
59 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),  
60 (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision  
61 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of  
62 section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-  
63 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-  
64 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,  
65 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-  
66 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-  
67 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-  
68 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of  
69 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-  
70 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-  
71 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450,  
72 or (2) a violation under the provisions of chapter 268, or (3) a violation  
73 of any regulation adopted in accordance with the provisions of section  
74 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,  
75 regulation or bylaw of any town, city or borough, except violations of  
76 building codes and the health code, for which the penalty exceeds  
77 ninety dollars but does not exceed two hundred fifty dollars, unless  
78 such town, city or borough has established a payment and hearing  
79 procedure for such violation pursuant to section 7-152c, shall follow  
80 the procedures set forth in this section.

81 Sec. 2. Section 7-171 of the general statutes is repealed and the  
82 following is substituted in lieu thereof (*Effective October 1, 2013*):

83 Any town, city or borough may, by ordinance, adopt the provisions

84 of sections 7-170 to 7-186, inclusive, and the chief executive authority  
85 of any town, city or borough shall, upon the petition of at least five per  
86 cent of the electors of such municipality as determined by the last-  
87 completed registry list, submit the question of adopting the provisions  
88 of sections 7-170 to 7-186, inclusive, to a vote of the electors of such  
89 municipality at [a special meeting called for such purpose within  
90 twenty-one days after the receipt of such petition] the next regular  
91 meeting. Such petition shall contain the street addresses of the signers  
92 and shall be submitted to the municipal clerk, who shall certify thereon  
93 the number of names of electors on such petition, which names are on  
94 the last-completed registry list. Each page of such petition shall contain  
95 a statement, signed under the penalties of false statement, by the  
96 person who circulated the same, that each person whose name appears  
97 on such page signed the same in person and that the circulator either  
98 knows each such signer or that the signer satisfactorily identified  
99 himself to the circulator. The warning for such meeting shall state that  
100 the purpose of such meeting is to vote on the adoption of the  
101 provisions of said sections. Such vote shall be taken and the results  
102 thereof canvassed and declared in the same manner as is provided for  
103 the election of officers of such municipality. The vote on such adoption  
104 shall be taken by a "YES" and "NO" vote on the voting tabulator and  
105 the designation of the question on the voting tabulator ballot shall be  
106 "Shall the operation of bazaars and raffles be allowed?" and such ballot  
107 shall be provided for use in accordance with the provisions of section  
108 9-250. If, upon the official determination of the result of such vote, it  
109 appears that the majority of all the votes so cast are in approval of such  
110 question, the provisions of said sections shall take effect immediately.  
111 Any town, city or borough, having once voted on the question of  
112 allowing bazaars and raffles as herein provided, shall not vote again  
113 on such question within two years from the date of the previous vote  
114 thereon. Any subsequent vote thereon shall be taken at the next  
115 regular town, city or borough election following the receipt of a  
116 petition as herein provided, which petition shall be filed at least sixty  
117 days prior to such election, and such question may be so voted upon  
118 only at intervals of not less than two years. Any town, city or borough

119 which, prior to October 1, 1957, has voted more than once on such  
120 question, shall, for the purposes of this section, be treated as though it  
121 had voted only once thereon.

122 Sec. 3. Section 10-261b of the general statutes is repealed and the  
123 following is substituted in lieu thereof (*Effective October 1, 2013*):

124 (a) The town clerk and assessor or board of assessors in each town  
125 shall, no later than the last day of each [month] calendar quarter,  
126 submit to the Secretary of the Office of Policy and Management all  
127 required data concerning each transfer of real property in such town  
128 recorded during the preceding [month] calendar quarter, except each  
129 transfer of real property in such town recorded during the months of  
130 October, November, December and January shall be submitted no later  
131 than sixty days following the last day of the month in which the  
132 transfer was recorded, as specified on a form prepared by the Secretary  
133 of the Office of Policy and Management for the purpose of determining  
134 the sales-assessment ratio for each town as required in section 10-261.  
135 Any municipality which neglects to transmit to the Secretary of the  
136 Office of Policy and Management the data as required by this section  
137 shall forfeit one dollar to the state, for each transfer of real property for  
138 which such data is required, provided the secretary may waive such  
139 forfeiture in accordance with procedures and standards adopted by  
140 regulation in accordance with chapter 54.

141 (b) A town shall not be required to submit data as required under  
142 subsection (a) of this section in an assessment year in which a  
143 revaluation becomes effective unless a town is implementing a phase-  
144 in pursuant to section 12-62c.

145 Sec. 4. Section 12-90 of the general statutes is repealed and the  
146 following is substituted in lieu thereof (*Effective October 1, 2013, and*  
147 *applicable to assessment years commencing on or after said date*):

148 (a) No individual entitled to exemption under two or more of  
149 subdivisions (19), (20), (22), (23), (25), (26) and (28) of section 12-81  
150 [and under section 12-82] shall receive more than one exemption.

151 (b) Notwithstanding the provisions of subsection (a) of this section,  
152 any individual entitled to the exemption from property tax allowed in  
153 accordance with subdivision (22) of said section 12-81 for the surviving  
154 spouse of a veteran as defined therein, which individual, except for  
155 said provisions of subsection (a) hereof, would also be entitled to the  
156 exemption from property tax allowed in accordance with subdivision  
157 (19) of said section 12-81 for veterans as defined therein, shall be  
158 entitled to receive the amount of exemption allowed under said  
159 subdivision (22) as such a surviving spouse and, in addition, the  
160 amount of exemption allowed under said subdivision (19) as a veteran  
161 qualified for such exemption thereunder.

162 Sec. 5. Section 12-93 of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective October 1, 2013, and*  
164 *applicable to assessment years commencing on or after said date*):

165 Any person who claims an exemption from taxation under the  
166 provisions of section 12-81 [or 12-82] by reason of service in the Army,  
167 Navy, Marine Corps, Coast Guard or Air Force of the United States  
168 shall give notice to the town clerk of the town in which he resides that  
169 he is entitled to such exemption. Any person who has performed such  
170 service may establish his right to such exemption by exhibiting to the  
171 town clerk an honorable discharge, or a certified copy thereof, from  
172 such service or, in the absence of such discharge or copy, by appearing  
173 before the assessors for an examination under oath, supported by two  
174 affidavits of disinterested persons, showing that the claimant so served  
175 and received an honorable discharge or is serving or, if he is unable to  
176 appear by reason of such service, he may establish such right, until  
177 such time as he appears personally and exhibits his discharge or copy,  
178 by forwarding to the town clerk annually a written statement, signed  
179 by the commanding officer of his unit, ship or station or by some other  
180 appropriate officer, or where such claimant is currently serving in an  
181 active theater of war or hostilities, by the presentation of a notarized  
182 statement of a parent, guardian, spouse or legal representative of such  
183 claimant, stating that he is personally serving and is unable to appear  
184 in person by reason of such service, which statement shall be received

185 before the assessment day of the town wherein the exemption is  
186 claimed. The assessors shall report to the town clerk all claims so  
187 established. Any person claiming exemption by reason of the service of  
188 a relative as a soldier, sailor, marine or member of the Coast Guard or  
189 Air Force may establish his right thereto by at least two affidavits of  
190 disinterested persons showing the service of such relative, his  
191 honorable discharge or death in service, and the relationship of the  
192 claimant to him; and the assessors may further require such person to  
193 be examined by them under oath concerning such facts. The town clerk  
194 of the town where the honorable discharge or certified copy thereof  
195 and each affidavit is originally presented for record shall record such  
196 discharge or certified copy or affidavits thereof in full and shall list the  
197 names of such claimants and such service shall be performed by the  
198 town clerk without remuneration therefor. Thereafter if any person  
199 entitled to such exemption changes his legal residence, the town clerk  
200 in the town of former residence and in which such honorable discharge  
201 or certified copy thereof or any such affidavit in respect to such person  
202 was originally presented for record shall, upon request and payment  
203 of a fee by such person to said town of former residence in an amount  
204 determined by the town treasurer as necessary to cover the cost of such  
205 procedure, prepare and mail to the town in which such person resides,  
206 a copy of the record of such discharge or certified copy thereof or  
207 affidavits, or he may establish his right to such exemption in the town  
208 in which he resides by exhibiting to the town clerk thereof the original  
209 discharge or a certified copy thereof or such affidavits. Said clerk shall  
210 take therefrom sufficient data to satisfy the exemption requirements of  
211 the general statutes and shall record the same and shall note the town  
212 where the original complete recording of discharge papers was made.  
213 No board of assessors or board of assessment appeals or other official  
214 shall allow any such claim for exemption unless evidence as herein  
215 specified has been filed in the office of the town clerk, provided, if any  
216 claim for exemption has been allowed by any board of assessors or  
217 board of assessment appeals prior to July 1, 1923, the provisions of this  
218 section shall not apply to such claim. Each claim granted prior to July  
219 1, 1923, shall be recorded with those presented subsequent thereto, and

220 a list of such names, alphabetically arranged, shall be furnished the  
221 assessors by the town clerk.

222 Sec. 6. Section 12-94 of the general statutes is repealed and the  
223 following is substituted in lieu thereof (*Effective October 1, 2013, and*  
224 *applicable to assessment years commencing on or after said date*):

225 The exemptions granted in [sections] section 12-81 [and 12-82] to  
226 soldiers, sailors, marines and members of the Coast Guard and Air  
227 Force, and their spouses, widows, widowers, fathers and mothers, and  
228 to blind or totally disabled persons and their spouses shall first be  
229 made in the town in which the person entitled thereto resides, and any  
230 person asking such exemption in any other town shall annually make  
231 oath before, or forward his or her affidavit to, the assessors of such  
232 town, deposing that such exemptions, except the exemption provided  
233 in subdivision (55) of section 12-81, if allowed, will not, together with  
234 any other exemptions granted under [sections] section 12-81, [and 12-  
235 82,] exceed the amount of exemption thereby allowed to such person.  
236 Such affidavit shall be filed with the assessors within the period the  
237 assessors have to complete their duties in the town where the  
238 exemption is claimed. The assessors of each town shall annually make  
239 a certified list of all persons who are found to be entitled to exemption  
240 under the provisions of said sections, which list shall be filed in the  
241 town clerk's office, and shall be prima facie evidence that the persons  
242 whose names appear thereon and who are not required by law to give  
243 annual proof are entitled to such exemption as long as they continue to  
244 reside in such town; but such assessors may, at any time, require any  
245 such person to appear before them for the purpose of furnishing  
246 additional evidence, provided, any person who by reason of such  
247 person's disability is unable to so appear may furnish such assessors a  
248 statement from such person's attending physician or an advanced  
249 practice registered nurse certifying that such person is totally disabled  
250 and is unable to make a personal appearance and such other evidence  
251 of total disability as such assessors may deem appropriate.

252 Sec. 7. Section 12-95 of the general statutes is repealed and the



253 following is substituted in lieu thereof (*Effective October 1, 2013, and*  
254 *applicable to assessment years commencing on or after said date*):

255 No individual shall receive any exemption to which he is entitled by  
256 any one of subdivisions (19), (20), (22), (23), (25), (26) and (28) of  
257 section 12-81 [or section 12-82] until he has proved his right to such  
258 exemption in accordance with the provisions of sections 12-93 and 12-  
259 94, as amended by this act, together with such further proof as is  
260 necessary under the provisions of any of said sections. Exemptions so  
261 proved by residents shall take effect on the next succeeding assessment  
262 day, provided individuals entitled to an exemption under the  
263 provisions of subdivision (20) of section 12-81 may prove such right at  
264 any time before the expiration of the time limited by law for the board  
265 of assessment appeals of the town wherein the exemption is claimed to  
266 complete its duties and such exemption shall take effect on the  
267 assessment day next preceding the date of the proof thereof. For  
268 purposes of any tax payable in accordance with the provisions of  
269 section 12-71b, any such exemption referred to in this section shall take  
270 effect on the first day of January next following the date on which the  
271 right to such exemption has been proved.

272 Sec. 8. Subsection (m) of section 12-575 of the general statutes is  
273 repealed and the following is substituted in lieu thereof (*Effective*  
274 *October 1, 2013*):

275 (m) (1) The commissioner shall pay each municipality in which a  
276 horse race track is located, one-quarter of one per cent of the total  
277 money wagered on horse racing events at such race track, except the  
278 commissioner shall pay each such municipality having a population in  
279 excess of fifty thousand one per cent of the total money wagered at  
280 such horse racing events in such municipality. The commissioner shall  
281 pay each municipality in which a jai alai fronton or dog race track is  
282 located one-half of one per cent of the total money wagered on jai alai  
283 games or dog racing events at such fronton or dog race track, except  
284 the commissioner shall pay each such municipality having a  
285 population in excess of fifty thousand one per cent of the total money

286 wagered on jai alai games or dog racing events at such fronton or dog  
287 race track located in such municipality. The commissioner shall pay  
288 each municipality in which an off-track betting facility is located one  
289 and three-fifths per cent of the total money wagered in such facility  
290 less amounts paid as refunds or for cancellations. The commissioner  
291 shall pay to both the city of New Haven and the town of Windsor  
292 Locks an additional one-half of one per cent of the total money  
293 wagered less any amount paid as a refund or a cancellation in any  
294 facility equipped with screens for simulcasting after October 1, 1997,  
295 located within a fifteen-mile radius of facilities in New Haven and  
296 Windsor Locks. Payment shall be made not less than four times a year  
297 and not more than twelve times a year as determined by the  
298 commissioner, and shall be made from the tax imposed pursuant to  
299 subsection (d) of this section for horse racing, subsection (e) of this  
300 section for dog racing, subsection (f) of this section for jai alai games  
301 and subsection (g) of this section for off-track betting. (2) If, for any  
302 calendar year after the surrender of a license to conduct jai alai events  
303 by any person or business organization pursuant to subsection (c) of  
304 section 12-574c and prior to the opening of any dog race track by such  
305 person or business organization, any other person or business  
306 organization licensed to conduct jai alai events is authorized to  
307 conduct a number of performances greater than the number  
308 authorized for such licensee in the previous calendar year, the  
309 commissioner shall pay the municipality in which the jai alai fronton  
310 for which such license was surrendered was located, rather than the  
311 municipality in which the jai alai fronton conducting the increased  
312 performances is located, one-half of one per cent of the total money  
313 wagered on jai alai games for such increased performances at the  
314 fronton which conducted the additional performances, except the  
315 commissioner shall pay each such municipality having a population in  
316 excess of fifty thousand one per cent of the total money wagered on jai  
317 alai games for such increased performances at such fronton. (3) During  
318 any state fiscal year ending on or after June 30, 1993, the commissioner  
319 shall pay each municipality in which a dog race track was operating  
320 prior to July 5, 1991, one per cent of the total money wagered on dog

321 racing events at such dog race track. (4) [During the state fiscal year  
322 ending June 30, 2001, each municipality in which a dog race track was  
323 operating prior to July 5, 1991, shall pay the Northeast Connecticut  
324 Economic Alliance, Inc. two-tenths of one per cent of the total money  
325 wagered on dog racing events at any dog race track operating prior to  
326 July 5, 1991. (5)] In the event a licensee incurs a loss from the operation  
327 of a pari-mutuel facility, as determined by the commissioner, the  
328 legislative body of the city or town in which such facility is located  
329 may direct the commissioner to credit or rebate all or a part of the  
330 revenue otherwise due to the municipality back to the facility. In no  
331 case shall such credit and such reimbursement exceed the amount of  
332 the licensee's loss, and in no fiscal year shall these provisions affect the  
333 total fees paid to the state by the authorized operator of the off-track  
334 betting system on its off-track betting activities.

335       Sec. 9. Section 19a-204 of the general statutes is repealed and the  
336 following is substituted in lieu thereof (*Effective October 1, 2013*):

337       [The certificate of the appointment of any town, borough or city  
338 director of health shall be filed with the Commissioner of Public  
339 Health by the person making such appointment, and if such director is  
340 also, by reason of any special act, the registrar of vital statistics of such  
341 municipality, the person making such appointment shall, within ten  
342 days, transmit to the Secretary of the State and to the clerk of the  
343 municipality for which such appointment is made a certified notice of  
344 such appointment. Such notice shall be in substantially the following  
345 form:

346       I hereby certify that .... was appointed on the .... day of ...., A.D. 20..  
347 Director of Health of the town (borough, city) of .... and, under special  
348 act, the registrar of births, marriages and deaths of such town  
349 (borough, city) from the .... day of ...., A.D. 20.. until the .... day of ....,  
350 A.D. 20...

351       Certification and Signature

352       Said secretary and such clerk shall each, in a book kept by him for

353 the purpose, record the names of such registrars and may severally  
354 certify that the persons named in such records are the registrars of vital  
355 statistics of their respective towns, boroughs and cities for the period  
356 for which they were respectively appointed.] Each town, borough and  
357 city director of health, before entering upon the duties of his office,  
358 shall be sworn to the faithful discharge thereof.

359 Sec. 10. Section 21-10 of the general statutes is repealed and the  
360 following is substituted in lieu thereof (*Effective October 1, 2013*):

361 [Any town may make reasonable ordinances with reference to the  
362 licensing of junk dealers engaged in business therein, including the  
363 imposition of a license fee in an amount to be fixed by the selectmen at  
364 a sum not less than two dollars or more than ten dollars a year, for  
365 each team or vehicle used in connection with such business, for the  
366 privilege of carrying on such business. Each such junk dealer shall  
367 make an application for a license in the town where such dealer is  
368 engaged in business. Nothing in this section shall prohibit a junk  
369 dealer or employee of such dealer from authorizing a person to enter a  
370 junk yard owned by such dealer for the purpose of salvaging or  
371 collecting parts or scraps for purchase from such dealer or employee.]  
372 Except as otherwise provided by special act, and except where there  
373 exists a duly constituted local zoning or planning commission, any  
374 town, city or borough may, by ordinance, regulate the establishment,  
375 location or conduct of any junk yard within its territorial limits.

376 Sec. 11. Subsection (c) of section 22-331 of the general statutes is  
377 repealed and the following is substituted in lieu thereof (*Effective*  
378 *October 1, 2013*):

379 (c) Each appointment made under the provisions of this section  
380 shall be reported promptly to the commissioner. Each person  
381 appointed under the provisions of subsection (a) of this section shall,  
382 and any person appointed under the provisions of subsection (b) of  
383 this section [may] shall, be paid a salary and expenses [in lieu of the  
384 fees provided in section 22-334] and the amount thereof shall be  
385 transferred from the dog fund account to the appropriation of the

386 proper department.

387 Sec. 12. Section 29-296 of the general statutes is repealed and the  
388 following is substituted in lieu thereof (*Effective October 1, 2013*):

389 The State Fire Marshal may grant variations or exemptions from, or  
390 approve equivalent or alternate compliance with, particular provisions  
391 of any regulation issued under the provisions of section 29-292 where  
392 strict compliance with such provisions would entail practical difficulty  
393 or unnecessary hardship, or is otherwise adjudged unwarranted,  
394 provided any such variation or exemption or approved equivalent or  
395 alternate compliance shall, in the opinion of the State Fire Marshal,  
396 secure the public safety. Any application for a variation or exemption  
397 or equivalent or alternate compliance received by a local fire marshal  
398 shall be forwarded to the State Fire Marshal by first class mail or  
399 electronic mail within fifteen business days of receipt by such local fire  
400 marshal and shall be accompanied by a letter from such local fire  
401 marshal that shall include comments on the merits of the application.

402 Sec. 13. Section 21-33a of the general statutes is repealed and the  
403 following is substituted in lieu thereof (*Effective October 1, 2013*):

404 The Commissioner of Consumer Protection may adopt and  
405 promulgate such regulations as he finds necessary to administer and  
406 enforce the provisions of sections 21-27, 21-28 [, 21-32] and 21-33.

407 Sec. 14. Section 21-35 of the general statutes is repealed and the  
408 following is substituted in lieu thereof (*Effective October 1, 2013*):

409 Any itinerant vendor or managing itinerant vendor who sells or  
410 exposes for sale, at public or private sale, any goods, wares or  
411 merchandise without state and local licenses therefor, issued as  
412 provided in [sections 21-28 and 21-29] section 21-28, shall be guilty of a  
413 class D misdemeanor.

414 Sec. 15. Sections 1-10, 1-11, 12-82, 17b-125, 17b-126, 21-11, 21-12 to  
415 21-14, inclusive, 21-29 to 21-32, inclusive, 22-334 and 22-337 of the  
416 general statutes are repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	51-164n(b)
Sec. 2	<i>October 1, 2013</i>	7-171
Sec. 3	<i>October 1, 2013</i>	10-261b
Sec. 4	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	12-90
Sec. 5	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	12-93
Sec. 6	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	12-94
Sec. 7	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	12-95
Sec. 8	<i>October 1, 2013</i>	12-575(m)
Sec. 9	<i>October 1, 2013</i>	19a-204
Sec. 10	<i>October 1, 2013</i>	21-10
Sec. 11	<i>October 1, 2013</i>	22-331(c)
Sec. 12	<i>October 1, 2013</i>	29-296
Sec. 13	<i>October 1, 2013</i>	21-33a
Sec. 14	<i>October 1, 2013</i>	21-35
Sec. 15	<i>October 1, 2013</i>	Repealer section

**PD**      **Joint Favorable**

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Consumer Protection, Dept.	Itinerant Vendor Guaranty Fund-Revenue Loss	Less than \$3,400	Less than \$3,400

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Various Municipalities	Revenue Loss	Potential Minimal	Potential Minimal
Various Municipalities	Savings	Minimal	Minimal
Various Municipalities	Cost	Potential	Potential

#### ***Explanation***

The bill makes several changes to certain business licensing requirements and to state mandates on municipalities and repeals certain obsolete statutes.

**Sections 10 and 15** eliminate requirements that municipalities license itinerant vendors and junk dealers, and that state itinerant vendor licenses expire after one year. There is a potential revenue loss of less than \$3,400 to the Itinerant Vendor Guaranty Fund within the Department of Consumer Protection by removing the requirement that itinerant vendor licenses expire after one year. The current state license fee is \$200 and approximately 17 such licenses are given per year. Removing the yearly expiration would allow vendors to operate without a yearly renewal.

There is also a potential revenue loss, anticipated to be minimal, to municipalities associated with the elimination of the requirement to

license itinerant vendors and junk dealers. As an example, the City of Bridgeport, in FY 12, received \$33,010 from the licensing of itinerant vendors and \$1,250 from the licensing of junk dealers.

**Sections 11 and 15** make several changes concerning animal control officers. There is a potential revenue loss to municipalities associated with the elimination of a requirement for animal control officers to remit money received in the line of duty to the town. There is a cost to certain municipalities associated with the bill's provision that all animal control officers be paid a salary. This cost is at least partially offset by the elimination of a requirement to pay these officers fees for the sale, capture, return, impoundment and euthanizing of dogs. It is not known how many municipalities currently pay their officers these fees, and no salary.

Additionally, there are minimal printing and postage savings associated with the bill's provisions 1) allowing towns to submit data on real property transfers quarterly instead of monthly; 2) allowing local fire marshals to email, rather than mail, certain requests to the state fire marshal and 3) eliminating requirements to file certain certificates with the state.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.



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**OLR Bill Analysis****SB 1113*****AN ACT ELIMINATING CERTAIN MUNICIPAL MANDATES.*****SUMMARY:**

This bill makes numerous changes in state mandates to municipalities, including repealing obsolete statutes. Specifically, it:

1. requires municipalities to pay their animal control officers a salary and expenses and eliminates provisions related to an alternative payment system;
2. eliminates the requirement that municipalities license itinerant vendors and makes changes to the state licensure process;
3. eliminates the requirement that municipalities license junk dealers and that junk dealers comply with recordkeeping and other requirements;
4. requires town clerks and assessors or boards of assessors to submit to the Office of Policy and Management secretary quarterly, instead of monthly, data on real property transfers;
5. allows towns to hold a regular meeting, rather than a special meeting within 21 days, to consider adopting bazaar or raffle ordinances;
6. permits local fire marshals to send by email, as well as first class mail, requests to the state fire marshal for a variation or exemption from the fire safety code;
7. repeals the requirement that a town's appointing authority file a certificate of appointment of a health director with the public

health commissioner;

8. eliminates the requirement that a town's appointing authority file a certified notice of appointment with the secretary of the state and town clerk regarding the appointment of a health director who is also the registrar of vital statistics; and
9. eliminates the requirement that, for FY 01 only, towns with dog racing tracks operating before July 5, 1991, pay the Northeast Connecticut Economic Alliance 0.2% of the total amount wagered on dog racing events at those tracks.

The bill also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2013, and the sections related to municipal taxes apply to assessment years beginning on or after October 1, 2013.

#### **ANIMAL CONTROL OFFICERS (§§ 11, 15)**

The bill requires, instead of allows, towns with 25,000 or fewer residents to pay all animal control officers (ACOs) a salary and expenses and eliminates laws requiring (1) ACOs to make monthly sworn statements regarding services rendered; (2) towns to remunerate them and pay additional amounts for the sale, return, capture, impoundment, or killing of dogs; and (3) officers to remit any money received in the line of duty to the town or state.

#### **JUNK DEALERS (§§ 10, 15)**

The bill eliminates laws (1) authorizing towns to license junk dealers and (2) requiring these dealers to record and attest to their transactions and display their license information. It retains the definition of junk dealer and the provision relating to scrap metal processors.

#### **ITINERANT VENDORS (§ 15)**

The bill eliminates a requirement that towns license itinerant vendors. It continues to require the Department of Consumer Protection (DCP) to issue licenses to such vendors, but removes

requirements (1) making state itinerant vendor licenses expire after one year, (2) that the state file expired or unwanted licenses, and (3) setting forth the procedure for notifying the state that a license cannot be returned for filing.

### TABLE OF REPEALERS (§ 15)

This bill repeals a number of statutes, as enumerated below.

**Table 1: Repealed Provisions**

<b>Statutory Citation</b>	<b>Summary of Provision</b>
§§ 1-10, 1-11	Requires record keepers in state, town, or probate district departments or offices to use ink and loose-leaf binders approved by the public records administrator for record keeping purposes
§ 12-82	Requires towns to give a \$1,000 property tax exemption to veterans of Allied services of World War I
§§ 17b-125, 17b-126	Allows towns to recoup the cost of aid provided under the obsolete town General Assistance Program
§§ 21-11, 21-12 to -14	Requires junk dealers to (1) be licensed, (2) record and make weekly sworn statements of their transactions, (3) keep goods for five days after a sworn statement is made, and (4) display their license
§§ 21-29, 21-30	Requires towns to license itinerant vendors and exempt veterans from the licensing requirement
§ 21-31	Makes state itinerant vendor licenses expire one year after issuance, requires expired and surrendered state licenses to be filed by the DCP commissioner, and prohibits a local license from being valid longer than the corresponding state license
§ 21-32	Permits itinerant vendors to file an affidavit to notify the DCP commissioner that a state itinerant vendor license has been lost and allows the commissioner to accept the affidavit in lieu of the surrendered license
§ 22-334	Requires ACOs to make monthly sworn statements regarding services rendered, towns to pay officers bonuses, and officers to remit any money received in the line of duty
§ 22-337	Requires towns to post notice of dog licensing requirements

### COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/22/2013)